

### **Remarks/Arguments**

Claims 20-42 are pending in this application, and are rejected in the Office Action of January 31, 2011. Claims 20, 25-33, 38 and 40-41 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention.

#### **Re: Patentability of Claims 20-42 under 35 U.S.C. §103(a)**

Claims 20-42 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,758,257 issued to Herz (hereinafter, "Herz") in view of U.S. Patent No. 5,945,988 issued to Williams (hereinafter, "Williams"), and further in view of U.S. Patent No. 6,898,762 issued to Ellis (hereinafter, "Ellis"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 20, as amended herein, recites:

"A method for displaying a TV program to a viewer, comprising:  
processing information indicative of preferences of the viewer to develop a viewer characteristics information profile for the viewer;  
storing the viewer characteristics information profile on a viewer storage device;  
presenting the viewer with a first list of TV programs available for viewing, the programs selected and arranged in accordance with the viewer characteristics information profile;  
receiving feedback input from the viewer after viewing the first list and in response to the viewer answering a query, the feedback input requesting different selections than in the first list;  
selecting, via a statistical algorithm, an alternative profile in response to the feedback input, the alternative profile and the viewer characteristics information profile both existing at the time the viewer provides the feedback input; and  
presenting the viewer with a second list in response to the feedback input, the second list including alternative TV programs available for viewing, the alternative TV programs selected in accordance with the alternative profile." (emphasis added)

As indicated above, amended independent claim 20 recites a method for displaying a TV program to a viewer. According to the claimed method, information indicative of preferences of the viewer is processed to develop a viewer characteristics

information profile for the viewer, which is stored on a viewer storage device. The viewer is presented with a first list of TV programs available for viewing, wherein the programs are selected and arranged in accordance with the viewer characteristics information profile. Feedback input is received from the viewer after viewing the first list and in response to the viewer answering a query, wherein the feedback input requests different selections than in the first list. An alternative profile is selected via a statistical algorithm in response to the feedback input, wherein the alternative profile and the viewer characteristics information profile both exist at the time the viewer provides the feedback input. The viewer is presented with a second list in response to the feedback input, wherein the second list includes alternative TV programs available for viewing and the alternative TV programs are selected in accordance with the alternative profile. Independent claims 28 and 32 are also amended herein and recite features similar to those of independent claim 20 discussed above.

None of the cited references, whether taken individually or in combination, discloses or suggests each and every feature of independent claims 20, 28 and 32.

The primary reference, Herz, discloses a system and method for scheduling the receipt of desired programs using customer profiles. Herz discloses that such customer profiles are updated by means of passive monitoring based on whether a show that was predicted to be watched by a viewer was not watched (see, for example, column 26, line 49 to column 27, line 6). However, Herz fails to disclose or suggest, *inter alia*, the claimed combination of features provided by independent claims 20, 28 and 32 in which: (i) a viewer provides feedback input after viewing a first list of TV programs selected in accordance with a viewer characteristics information profile for the viewer, wherein the feedback input requests a different program selection than in the first list, (ii) an alternative profile that co-exists with the viewer characteristics information profile at the time of the feedback input is selected via a statistical algorithm in response to the feedback input, and (iii) the viewer is provided with a second list of alternative TV programs in response to the feedback input, wherein the alternative TV programs in the second list are selected in accordance with the alternative profile.

Secondary references, Williams and Ellis are unable to remedy the aforementioned admitted deficiencies of Herz. Williams discloses a method and apparatus for automatically determining and dynamically updating user preferences in an entertainment system (see, for example, the Abstract). However, like Herz, Williams also fails to disclose or suggest, *inter alia*, the claimed combination of features provided by independent claims 20, 28 and 32 in which: (i) a viewer provides feedback input after viewing a first list of TV programs selected in accordance with a viewer characteristics information profile for the viewer, wherein the feedback input requests a different program selection than in the first list, (ii) an alternative profile that co-exists with the viewer characteristics information profile at the time of the feedback input is selected via a statistical algorithm in response to the feedback input, and (iii) the viewer is provided with a second list of alternative TV programs in response to the feedback input, wherein the alternative TV programs in the second list are selected in accordance with the alternative profile.

Ellis discloses a client-server interactive television program guide system in which users can set up and activate various user preference profiles (see, for example, column 14, lines 11-36 and column 15, lines 29-41). However, like Herz and Williams, Ellis also fails to disclose or suggest, *inter alia*, the claimed combination of features provided by independent claims 20, 28 and 32 in which: (i) a viewer provides feedback input after viewing a first list of TV programs selected in accordance with a viewer characteristics information profile for the viewer, wherein the feedback input requests a different program selection than in the first list, (ii) an alternative profile that co-exists with the viewer characteristics information profile at the time of the feedback input is selected via a statistical algorithm in response to the feedback input, and (iii) the viewer is provided with a second list of alternative TV programs in response to the feedback input, wherein the alternative TV programs in the second list are selected in accordance with the alternative profile.

Accordingly, even if the teachings of Herz, Williams and Ellis are combined, as proposed (assuming they are combinable), the resulting combination still does not disclose or suggest each and every feature of independent claims 20, 28 and 32.

Therefore, for at least the foregoing reasons, Applicants submit that claims 20-42 are patentable under 35 U.S.C. §103(a) over the proposed combination of Herz, Williams and Ellis, and withdrawal of the rejection is respectfully requested.

### **Conclusion**

For at least the foregoing reasons, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account No. 07-0832.

Respectfully submitted,

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